

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

**REYNALDO AGUERO,**

Petitioner,

v.

**NATHANIEL QUARTERMAN, Director  
Texas Department of Criminal Justice,**

Respondent.

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Civil Action No. **3:07-CV-140-L**

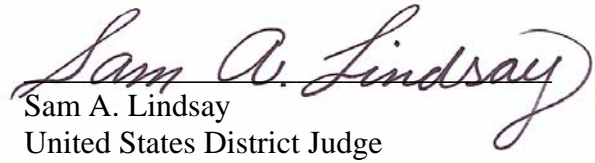
**ORDER**

Before the court is Petitioner's application to proceed *in forma pauperis* in the habease action he has brought under 28 U.S.C. § 2254. Pursuant to 28 U.S.C. § 636(b), and an order of the court in implementation thereof, this motion was referred to the United States magistrate judge for proposed findings and recommendation. On January 26, 2007, the Findings and Recommendation of the United States Magistrate Judge were filed, to which no objections were filed.

After making an independent review of the pleadings, file, and record in this case, the court determines that the findings and conclusions of the magistrate judge are correct. They are, therefore, **accepted** as those of the court. Accordingly, Petitioner's application to proceed *in forma pauperis* is hereby **denied** because he is able to pay the \$5.00 filing fee without undue hardship. Petitioner is hereby **ordered** to pay the \$5.00 filing fee by March 20, 2007. If he fails to pay the filing fee by

this date, the court will dismiss this case without prejudice, pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute or comply with a court order.

**It is so ordered** this 28<sup>th</sup> day of February, 2007.

  
Sam A. Lindsay  
United States District Judge